

### REMARKS

Claims 4-6, 12, 14-19, 22-24, 30, and 32-37 are pending in the present application.

In the office action mailed December 31, 2007 (the "Office Action"), the Examiner rejected claims 4-6, 12, and 14-19 under 35 U.S.C. 112, second paragraph. The Examiner further rejected claims 4-6, 12, 14-19, 22-24, 30, and 32-37 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,578,005 to Lesaint et al. (the "Lesaint patent") in view of U.S. Patent No. 5,615,121 to Babayev et al. (the "Babayev patent").

Claims 4, 14, 15, and 18 have been amended to address the Examiner rejection of the claims under 35 U.S.C. 112, second paragraph. The Examiner's rejection of the claims under 35 U.S.C. 112, second paragraph, should now be withdrawn.

Applicants' remarks from the previously filed responses are maintained. The remarks in the present response identify deficiencies in the Examiner's rejection of the claims.

The Examiner maintains the argument "wherein the cost of the revised schedule, which includes the schedule with the new travel time,  $t(n-c)$ , is compared with the best existing value, which inherently includes the travel time between the existing orders, i.e.,  $t(b-c)$ , thus necessarily calculating a difference travel time, via the comparison of the costs of the schedules (column 22, lines 61-66)." See the Office Action at page 9.

Despite the Examiner's assertion otherwise, comparing "costs" of a schedule having the added task and for the schedule without the added task is not analogous to calculating a different travel time, nor is a difference travel time "inherently" calculated by the comparison.

The Lesaint patent describes the parameters used in calculating the objective function, that is, the cost, for the schedule at column 18, line 27-column 20, line 3, and further describes the objective function at column 20, line 22-column 21, line 22. Nowhere does the Lesaint patent describe calculating a difference travel time as recited in the claims. Although various time parameters are considered, none of the time parameters described in the Lesaint patent are analogous to a difference travel time. As a result, the Lesaint patent describes a schedule cost that does not include calculation of a different travel time. That is, the comparison of costs, which are calculated according to Lesaint's own technique, is not the same as calculating a difference travel time. Moreover, contrary to the Examiner's argument of

inherency, a difference travel time is not necessarily calculated (since it is not calculated at all), and because it is not calculated, comparison of the costs between two schedules, one having a task and the other not having the task, does not “inherently” include calculating a difference travel time.

The Examiner further argues the Lesaint patent teaches creating a schedulable time block from a virtual free time block, as recited in the claims. See the Office Action at page 4. The Examiner cites col. 22, lines 51-55 and col. 23, lines 16-28 as teaching a schedulable time block that has a primary block and can have an expansion block and/or a load block. See the Office Action at page 4. As argued in previously submitted responses, the cited material does not teach the subject matter as argued by the Examiner.

The cited material at col. 22, lines 51-55, describes not scheduling a task to a position where the technician would arrive outside a time window defined by the appointment slot start time and the appointment end time. There is no discussion of expansion blocks having time from relocating assigned orders in the shift or load blocks having time from removing assigned orders from the shift. The material simply describes a condition under which a task will not be assigned to the schedule of a technician. The cited material at col. 23, lines 16-28 describes calculating cost values for schedules having different arrangement of tasks until a schedule having a “best value” is obtained. The description is not related to finding an opening to fit an order into the schedule, but assumes that a task has already been inserted. As previously discussed, the tasks (including the inserted task) are rearranged in the schedule to find a schedule having the “best [cost] value.” Expansion blocks having time from relocating assigned orders in the shift or load blocks having time from removing assigned orders from the shift are not described.

Moreover, amended claims 4 and 22 specifically recite the schedulable time block includes a primary block and at least one of an expansion block and a load block, the expansion block having time from relocating assigned orders in the shift and the load block having time from removing assigned orders from the shift. As previously discussed, the Lesaint patent does not describe having either an expansion block or a load block, as recited in the claims.

The Babayev patent, which has been cited by the Examiner as teaching providing an alternative appointment time close to a customer preferred time interval if the customer

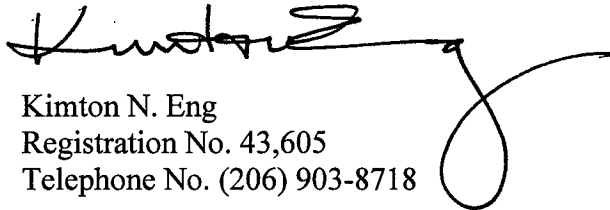
preferred time cannot be accommodated. See the Office Action at page 5. Even if we consider the Examiner's characterization of the Babayev patent to be accurate for the sake of argument, the Babayev still fails to make up for the deficiencies of the Lesaint patent previously discussed.

For the foregoing reasons, claims 4 and 22 are patentable over the Lesaint patent in view of the Babayev patent. Claims 5, 6, 12, and 14-19, which depend from claim 4, and claims 23, 24, 30, and 32-37, which depend from claim 22, are similarly patentable based on their dependency from a respective allowable base claim. Therefore, the rejection of claims 4-6, 12, 14-19, 22-24, 30, and 32-37 under 35 U.S.C. 103(a) should be withdrawn.

All of the claims pending in the present application are in condition for allowance. Favorable consideration and a timely Notice of Allowance are earnestly solicited.

Respectfully submitted,

DORSEY & WHITNEY LLP



Kimton N. Eng  
Registration No. 43,605  
Telephone No. (206) 903-8718

KNE:alb

DORSEY & WHITNEY LLP  
1420 Fifth Avenue, Suite 3400  
Seattle, WA 98101-4010  
(206) 903-8800 (telephone)  
(206) 903-8820 (fax)

h:\ip\clients\mndsi\500744.01\500744.01 oa amendment 123107.doc